

RAMIRO MORALES, Bar # 167947
rmorales@mfrlegal.com
 DAVID A. ASTENGO, Bar # 196096
dastengo@mfrlegal.com
 MORALES, FIERRO & REEVES
 2300 Contra Costa Blvd., Suite 310
 Pleasant Hill, California 94523
 Telephone: (925) 288-1776
 Facsimile: (925) 288-1856

Attorneys for Defendant / Third-Party Plaintiff, WESTCHESTER
 SURPLUS LINES INSURANCE COMPANY

UNITED STATES DISTRICT COURT
 NORHTERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO

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|--|---|-----------------------------------|
| SIERRA BAY CONTRACTORS, INC., A California Corporation, |) | CASE NO.: 3:10-cv-04611-RS |
| Plaintiff, |) | STIPULATION AND [PROPOSED] |
| vs. |) | ORDER FOR DISMISSAL OF |
| WESTCHESTER SURPLUS LINES |) | NAVIGATORS SPECIALTY |
| INSURANCE COMPANY, a Georgia |) | INSURANCE COMPANY |
| corporation, and DOES 1 through 50, |) | |
| inclusive, |) | |
| Defendants. |) | |
| AND RELATED CROSS-ACTIONS |) | |

Pursuant to F.R.C.P. 41, Defendant and Third-Party Plaintiff, Westchester Surplus Lines Insurance Company (“Westchester”), and Third-Party Defendant, Navigators Specialty Insurance Company (“Navigators Specialty”), have agreed and hereby stipulate to the dismissal of Navigators Specialty from Westchester’s First Amended Third-Party Complaint, with prejudice, subject to said parties’ mutual waiver of costs. Said parties request the Court’s approval and execution of the below proposed order for dismissal.

1 **IT IS SO STIPULATED.**

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3 DATE: December 19, 2012

GREENAN, PEFFER, SALLANDER &
LALLY, LLP

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6 By: /s/ Robert L. Sallander, Jr.
ROBERT L. SALLANDER, JR.
Attorneys for Third-Party Defendant,
NAVIGATORS SPECIALTY INSURANCE
COMPANY

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10 DATE: December 19, 2012

MORALES, FIERRO & REEVES


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12 By: /s/ David Astengo
DAVID A. ASTENGO
Attorneys for Defendant and Third-Party
Plaintiff, WESTCHESTER SURPLUS LINES
INSURANCE COMPANY

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16 **[PROPOSED] ORDER OF PARTIAL DISMISSAL**

17 Having reviewed the above stipulation, the Court orders that Defendant and Third-Party
18 Plaintiff, Westchester Surplus Lines Insurance Company's, First Amended Third-Party Complaint
19 against Third-Party Defendant, Navigators Specialty Insurance Company, be dismissed, with
20 prejudice. The remainder of Westchester Surplus Lines Insurance Company's First Amended
21 Third-Party Complaint shall not be changed or impacted by this Order.

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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24 Date: 12/20/12

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HONORABLE RICHARD SEEBORG
United States District Court
Northern District of California